

Children's Code Reform Task Force
February 22, 2024
4.00-5.00 p.m.

Members present

Beth Gillia
Brandie White
John Romero
Catherine Pavelski
Shira Greenberg
Leslie Jones
Shelly Bucher
Diana Garcia
Alison Endicott-Quinones
Bette Fleishman
Hilari Lipton
Rosenda Chavez-Lara
Jesse Clifton
Judge Catherine Begaye
Senator Linda Lopez

Introduction of Task Force Chair, Coordinator and Staff

Cristen Conley will serve as Task Force Chair. She is the Executive Director of the Corinne Wolfe Center for Child and Family Justice. Kathleen Sabo will serve as Task Force Coordinator and Tony Ortiz will serve as Task Force Staff.

Task force history and way forward

Kathleen Sabo referenced Senate Bill 192 (2023), also known as the Junior appropriation bill, which allocated funds to the Judiciary for the Task Force to assess and recommend changes to the Children's Code. The Task Force originally operated under the leadership of the Judiciary and the Children's Court Improvement Commission, and now the Task Force will be led by the Corinne Wolfe Center for Child and Family Justice at the University of New Mexico School of Law. The Task Force will work through June 2024 to publish and provide a report to the Administrative Office of the Courts that includes recommendations for changes to the Children's Code and recommendations for future activities that will allow for assessment and recommendation of changes to the code.

Self-introduction of Task Force members

The Task Force members introduced themselves and briefly described the work they perform in the child welfare system.

Adoption of resolution

Next, Cristen Conley summarized the contents of a resolution that will guide how the Task Force conducts its business. She noted that the Task Force is not subject to the provisions of the Open Meetings Act, but that it is vitally important to operate in a transparent manner. Following Cristen's summary, the Task Force members voted unanimously to adopt the resolution. The adopted resolution reads as follows:

“WHEREAS, the Children’s Code Reform Task Force (“Task Force”) met on February 22, 2024, at 4.00 p.m. to discuss reasonable procedures for conducting meetings and the business of the task force. The task force is not a policy formulating body and is not subject to the provisions of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4). However, it is the intention of the task force to operate transparently by adopting the following procedures.

NOW, THEREFORE, BE IT RESOLVED:

1. Meetings of the Children’s Code Reform Task Force will be held on the fourth Thursday of each month, beginning on February 22, 2024 and concluding on June 27, 2024. All meetings will be conducted on Zoom. Information on how members of the public can attend the Zoom meetings will be posted online on the website for the Corinne Wolfe Center for Child and Family Justice. <https://childlaw.unm.edu> .
2. All meetings will be recorded and posted for the public on our dedicated YouTube channel (youtube.com@NMChildrensCodeReformTaskForce). Anyone attending the meetings will be recorded. Individuals may be able to appear anonymously once approval is given by the Task Force.
3. The schedule of meetings, agendas, meeting notes and a copy of this resolution will be posted online on the website for the Corinne Wolfe Center for Child and Family Justice.
4. At least seventy-two (72) hours before any Task Force meeting, an agenda will be posted on the website for the Corinne Wolfe Center for Child and Family Justice.

5. The Task Force will provide an opportunity for public comment. When possible, during a task force meeting, each registered member of the public wishing to comment will be given two minutes to speak. The Task Force will also accept written comments from members of the public, by way of the chat during an allocated time during meetings or by an email to kathleensabocctf@gmail.com in advance of meetings.

6. Meeting notes will be posted on the website, no later than ten days after a meeting.

This Resolution is hereby ADOPTED by the Children’s Code Reform Task Force, this 22nd day of February, 2024.”

Cristen Conley. Chair, Children’s Code Reform Task Force

Task Force process, including existing subcommittees and scope of work

Kathleen Sabo noted that the Task Force had previously created two subcommittees. The Crossover Youth subcommittee had been co-chaired by Bette Fleishman and Diana Garcia. Ms. Garcia shared that she will no longer be able to serve as co-chair of the subcommittee, as she has taken on additional responsibilities with the District Attorney’s Office. The [Improving Responses to Poverty and Substance Misuse](#) subcommittee had been chaired by Leslie Jones and Catherine Pavelski. They both indicated an interest in continuing to serve as co-chairs of that subcommittee.

Next, Ms. Sabo stated that the scope of work for the Task Force will be limited, due to funding and time constraints. She also noted that Task Force members have been provided with reports authored by herself and Tony Ortiz that may inform the Task Force’s work going forward. Following Ms. Sabo’s remarks, Task Force members and members of the public (in the chat) made the following comments:

- What are the expectations for this Task Force? Will we develop broad recommendations or draft proposed legislation?
- The Task Force needs more representatives from the Children, Youth and Families Department.
- The Children’s Court Improvement Commission is working on draft legislation regarding reinstatement of parental rights.
- The Task Force should address the overuse of psychotropic medications for children in foster care.

- The Task Force should develop recommendations regarding the use of medication-assisted treatment for substance misuse by juveniles. (See Senate Bill 35 (2024) and House Bill 149 (2024).
- The Task Force should analyze timelines in federal and state statutes.
- The Task Force should focus on “pain points” in the child welfare system.
- This year, the General Appropriations Act (HB 2) included funds for the New Mexico Sentencing Commission to study and develop reforms to the Criminal Code. In the future, perhaps we can secure similar funding for efforts to reform the Children’s Code. Also, the Annie E. Casey Foundation may be willing to fund efforts to reform the Children’s Code.
- During the 2024 legislative session, there was concern about addressing instances when youth commit heinous crimes, including firearm-related crimes.
- During the 2024 legislative session, issues were raised concerning confidentiality provisions in the Children’s Code. (See HB 175 (2024) and SB 258 (2024).
- Remedies are needed for instances when the Children, Youth and Families Department fails to comply with the Children’s Code. We need more accountability from the department. We need better accountability from the Judiciary and attorneys also.
- There are too many silos in the child welfare system.
- The Task Force should analyze the definitions for “abuse and neglect”, and consider instances when parents or guardians fail to safeguard firearms and instances of emotional abuse.
- The Task Force should develop recommendations that will unlock resources for children in the child welfare system.
- The Task Force should highlight recent scientific advancements, such as knowledge regarding child brain development.
- The Task Force should support preventive legal advocacy on problems that serve as off-ramps to the foster care system.
- There is a need for clear statutory language related to strip searches of children.

Report on relevant 2024 legislative actions

Tony Ortiz summarized the following bills that were introduced during the 2024 legislative session:

- Senate Memorial 5** (Senators Linda Lopez, Harold Pope and Antoinette Sedillo Lopez), requesting the Legislative Finance Committee to create a task force to support and enhance the restructuring of the Children, Youth and Families Department. (Passed the Senate, 41-0)

-House Bill 175 (Representatives Marian Matthews, Tara Jaramillo, Meredith Dixon, Eleanor Chavez and Reena Szczeplanski), revises confidentiality provisions in the Children's Code by allowing for the release of information held by CYFD in certain circumstances, including providing information about child fatalities or near fatalities and how personal identifier information is protected. Requires the courts to produce a written order when excluding the media from a courtroom in an abuse or neglect proceeding while making this decision appealable. Adds a new section requiring reports on CYFD's website. (Never received a hearing)

-Senate Bill 258 (Senator Katy Duhigg) (identical to House Bill 175) (Never received a hearing)

-Senate Joint Resolution 6 (Senators Jerry Ortiz y Pino, Siah Correa Hemphill, Bill Tallman and Harold Pope, and Representative Eleanor Chavez), proposes a constitutional amendment to create a Children, Youth and Families Commission. The commission would appoint an Executive Director to oversee the operations of CYFD. (DO PASS, Senate Rules Committee)

-Senate Joint Resolution 17 (Senator Bill Soules), proposes a constitutional amendment to establish rights of children, including health care, nutrition, safe housing, transportation to access services, home visitation, early childhood programs and other services. (Never received a hearing)

Next Task Force meeting

The next Task Force meeting will be held on March 28, 2024, from 4.00-5.30 p.m.